

REMARKS

The Office Action mailed on January 28, 2004, has been reviewed and the comments of the Patent and Trademark Office have been considered. Prior to this paper, claims 1-24 were pending in the present application. By this paper, Applicant does not cancel any claims and adds claim 25. Therefore, claims 1-25 are now pending in the present application.

Applicant respectfully submits that the present application is in condition for allowance for the reasons that follow.

Indication of Allowable Subject Matter

Applicant thanks Examiner Nguyen for the indication that claims 1-24 contain allowable subject matter and would be allowed if the rejections under 35 U.S.C. §112, second paragraph are overcome.

Reference Characters

Reference characters have been retained in the claims but have no effect on the claim scope per MPEP § 608.01(m).

Drawings

In the Office Action, the drawings are objected to on the grounds that the drawings do not show every feature in the claims.

Claim 1: Applicant requests reconsideration of the objection to the drawings relating to claim 1 in view of the above amendments to claim 1.

Claim 2: Applicant requests reconsideration of the objection to the drawings relating to claim 2 in view of the above amendments to claim 2.

Claim 10: Applicant has added new Fig. 3, as seen above. As can be seen from the new figure, transponder 6 and antenna coil 10 are arranged in a common housing 20. Support for this feature of this new figure may be found in the specification and claim 10 as filed. Reconsideration of the objection to the drawings in view of claim 10 is respectfully requested.

Claim 13: Applicant has added new Fig. 3, as seen above. As can be seen from the new figure, excitation coil 30 is associated with the reading device 7. Support for this feature of this new figure may be found in the specification and claim 13 as filed. Reconsideration of the objection to the drawings in view of claim 13 is respectfully requested.

Claim 14 : Applicant has added new Fig. 4, as seen above. As can be seen from the new figure, the read device 7 is shown attached to the stand 3. (See that the revolving nosepiece 1 is cut-away to reveal the portion of the stand 3 inside the nosepiece 1). Support for this feature of this figure may be found in the specification and claim 14 as filed. Reconsideration of the objection to the drawings in view of claim 14 is respectfully requested.

Claim 17: Applicant has added new Fig. 5, as seen above. As can be seen from the new figure, the read antenna 9 is attached to the stand and arranged in the revolving nosepiece 1. Support for this figure may be found in the specification and claim 17 as filed. Reconsideration of the objection to the drawings in view of claim 17 is respectfully requested.

Claim 23: Applicants have added new Fig. 4, as seen above. As can be seen from the new figure, filters 40 and 50 are shown respectively attached to the two objectives 2. Support for this feature of this new figure may be found in the specification and claim 23 as filed. Reconsideration of the objection to the drawings in view of claim 23 is respectfully requested.

Specification

The specification is objected to due to informalities. Applicants submit a substitute specification, as found in Appendix A attached to this paper. Appendix B contains a marked-

up copy of the specification, detailing the changes to the specification. Applicants respectfully submit that the substitute specification addresses the objections raised in the Office Action. Reconsideration of the specification is respectfully requested.

Rejections Under 35 U.S.C. §112, Second Paragraph

In the Office Action, claims 1-24 were rejected under 35 U.S.C. §112, second paragraph, as being indefinite. As seen above, Applicant has amended a number of the claims, and respectfully requests reconsideration in view of both the above amendments and the following statements.

Claim 1: It is alleged that claim 1 is indefinite due to the arrangement of the transponder(s) and the objective lenses. Applicant respectfully submits that the amendments to claim 1, as shown above, remedy this alleged indefiniteness. Reconsideration is respectfully requested.

It is further alleged that claim 1 is “indefinite because it is unclear about the structure between the reading device and the stand.” The Office Action states that as “stated in the specification, the reading *device is mounted/formed on the revolving nosepiece*.” (Office Action, page 4, lines 13-14, emphasis added.) Applicants respectfully submit that nowhere does the specification make such a statement. The specification teaches that “the reading device could be attached to the stand,” and that “the reading device could be arranged in the revolving nosepiece.” (Application, page 4, lines 15-17, emphasis added.) Applicant respectfully submits that there is nothing inconsistent (and thus unclear) about the language of claim 1 vis-à-vis the teachings of the specification. Furthermore, Applicants rely on MPEP § 2106(V)(A)(2), which states that “Applicant’s claims, interpreted in light of the disclosure, must reasonably apprise a person of ordinary skill in the art. However, the Applicant need not explicitly recite in the claims every feature of the invention.” (Emphasis added.) Applicant respectfully submits that the language of claim 1 reasonably apprises a person of ordinary skill in the art of the invention, while not specifically claiming every feature of the invention. Reconsideration is respectfully requested.

Claims 2 and 3: The Office Action also alleges that claims 2 and 3 are indefinite. Applicant respectfully requests reconsideration in view of the above amendments to claims 2 and 3.

Claim 4: The Office Action further alleges that claim 4 is indefinite. Applicant respectfully requests reconsideration in view of the above amendments to claim 4.

Claims 14 and 17: The Office Action also alleges that claims 14 and 17 are indefinite, making reference to the allegation that claim 1 is “indefinite because it is unclear about the structure between the reading device and the stand.” Applicant refers to the above discussion regarding claim 1. Further, Applicant respectfully submits that the specification clearly teaches that the reading device may be attached to the stand, thus reasonably appraising a skilled artisan of the invention. (See specification, page 4, lines 15-17.) In regards to the later recitations of the claims, one of ordinary skill in the art is also reasonably appraised of the invention of claim 17, and by way of example only and not by way of limitation, would recognize that the reading device could be attached to the stand (3) and arranged in the revolving nosepiece (1) when the stand/nosepiece assembly is such that the stand protrudes into the nosepiece. Thus, Applicant respectfully requests reconsideration.

Claims 18 and 21-23: Claims 18 and 21-23 have been amended as seen above. Reconsideration is respectfully requested.

New Claim

New claim 25 has been added. New claim 25 claims a plurality of transponders attached to a plurality of objectives. Support for this claim may be found, among other places, in original claim 1 and on page 2, lines 19-23 of the specification as originally filed (“one transponder each is associated with the objective or objectives,” emphasis added). One of ordinary skill in the art would immediately recognize that the term objectives refers to a plurality of objectives, and that the phrase “one transponder each is associated with . . .

objectives” teaches that a plurality of transponders are respectively associated with the plurality of objectives. Entry and allowance of this claim is respectfully requested.

Applicant has added Fig. 4 to show each and every element of claim 25. Support for the pertinent features of Fig. 4 may be found in the specification as detailed above, and in original claim 1.

Conclusion

Applicant believes that the present application is now in condition for allowance. Favorable reconsideration of the application as amended is respectfully requested.

The Commissioner is hereby authorized to charge any additional fees which may be required regarding this application under 37 C.F.R. §§ 1.16-1.17, or credit any overpayment, to Deposit Account No. 19-0741. Should no proper payment be enclosed herewith, as by a check being in the wrong amount, unsigned, post-dated, otherwise improper or informal or even entirely missing, the Commissioner is authorized to charge the unpaid amount to Deposit Account No. 19-0741. If any extensions of time are needed for timely acceptance of papers submitted herewith, Applicant hereby petitions for such extension under 37 C.F.R. §1.136 and authorizes payment of any such extensions fees to Deposit Account No. 19-0741.

Examiner Nguyen is invited to contact the undersigned by telephone if it is felt that a telephone interview would advance the prosecution of the present application.

Respectfully submitted,

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